

**Stow Conservation Commission
Minutes
May 3, 2022**

A meeting of the Stow Conservation Commission was held on May 3, 2022 at 7:30 in the evening remotely VIA Zoom Videoconferencing in accordance with the Governors' Executive Order on Remote Meeting participation.

There were present: Matt Styckiewicz, Vice Chair
Jeff Saunders
Liza Mattison
Holly Clack
Doug Morse

Absent: Serena Furman, Chair
Ingeborg Hegemann Clark

Also Present: Kathy Sferra, Conservation Director
Jacquie Goring, Conservation Assistant
Tom Porcher, Associate Member

Matt Styckiewicz called the meeting to order at 7:30 pm.

Minutes

Liza Mattison moved to approve the minutes of April 19, 2022 as amended. Holly Clack seconded and the motion was approved unanimously.

Staff and Commission Member Updates

- Sferra confirmed the joint meeting on May 10th with the Hudson Conservation Commission to review the Healthy Lake Boon project.
- Sferra gave a presentation to the Metropolitan Area Planning Council (MAPC) subregion about Stow Acres which was very well received.
- Sferra will submit the Municipal Vulnerability Preparedness Action Grant for Stow Acres this week.

Appointment – Jason Biddle – Kirkland Drive Pond Weed Treatment Annual Report – DEP#299-517 –

Jason Biddle, 38 Kirkland Drive, was present to review the annual treatment report for 2020 and 2021. Biddle stated that they were last before the Commission in 2020 for an Extension to the Order of Conditions to treat watermeal in the Kirkland Drive Pond with Sonar. Biddle stated that the Extension is valid through March 7, 2023. Biddle noted that the 2020 and 2021 annual report was submitted to the Commission in writing. The pond will be treated in 2022 after a significant increase in watermeal last summer. Water and Wetland, LLC has conducted sampling and provided a treatment plan.

Sferra noted that the Order was issued in 2010 and has been extended a series of times. The 2020 Extension is due to expire next year but COVID-19 permit tolling extensions will extend the date further. Jaime Monat, 8 Conant Drive, was present and stated that the pond was last treated in 2016 and is not to be expected to be treated for another five to six years after the treatment this year. Biddle agreed on the timeline for treatment based on current trends.

Sferra added that if treatment is expected to continue another Extension could be requested or a new Notice could be filed. Sferra noted that the current permit encumbers a series of lots and multiple partial Certificates of Compliance (COC) have been issued, making it difficult to track who has a financial stake in the pond treatment, Biddle stated that four homeowners have a stake in the treatment this year and provided a list to staff. *Doug Morse moved to approve the Kirkland Drive Pond annual reports for 2020 and 2021 and the proposed treatment plan for 2022. Liza Mattison seconded and the motion was approved unanimously.*

Request for Partial Certificate of Compliance – Dan Foster – 24 Kirkland Drive – DEP #299-517 –

Sferra noted that the owner of 24 Kirkland has requested a partial COC because the property is likely being sold. A site visit was not done because the work is ongoing. Sferra confirmed Biddle is comfortable with the request and recommended issuance. Sferra recommended that the COC document include something that indicates that the treatment is ongoing which would presumably be found during a title search and brought to the attention of the new owner. *Liza Mattison moved to issue the partial Certificate of Compliance with the stipulation that the future owners are made aware of the ongoing treatment. Holly Clack seconded and the motion was approved unanimously.*

Notice of Intent – Pond View Estates Condominium Trust – Off Whelden Lane – Sferra informed the Commission that the applicant has requested a continuance until May 17th. *Jeff Saunders moved to continue the hearing without testimony to May 17, 2022 at or after 7:30 PM. Doug Morse seconded and the motion was approved unanimously.* Styckiewicz confirmed he would provide notes from the site visit to Sferra. Sferra will provide staff and Commission member notes to the applicant to allow the engineer to prepare for the continuation. Sferra noted that the applicant mentioned that they are rethinking some aspects of the project. Sferra recommended staff wait to meet with the engineer until revised plans are submitted. Styckiewicz recommended during the site visit that the applicant meet with their engineer to get on the same page. Sferra added that an additional continuance could be requested by the applicant but if they need a significant amount of time to rethink the project, they should withdraw the Notice and resubmit.

Continued Notice of Intent – Paul Rouselle, Bentley Building Corporation – 33 Walcott Street – Mark White of Bentley Building Corporation was present. Styckiewicz confirmed DEP issued a file number with no comments and no new information has been submitted. Sferra noted that there was some confusion at the last meeting about how much the pond level will be lowered. At the hearing, Daniel Carr of Stamsky and McNary stated the pond would be lowered by one foot and White stated he wants the pond lowered to 2013 level which is significantly lower than a foot. White stated he agrees with dropping the pond by one foot. Sferra noted that the pond is estimated to be four feet deep. *Jeff Saunders moved to close the hearing. Holly Clack seconded and the motion was approved unanimously.*

The Commission reviewed a draft decision and confirmed the pond should not be lowered more than one foot, the breaching should be done gradually to avoid downstream flooding and erosion, and any material removed from the dam be disposed of outside the buffer. The Commission agreed to include a condition requiring inspections and maintenance of the pond leveler. *Holly Clack moved to issue the Order of Conditions. Liza Mattison seconded and the motion was approved unanimously.*

Staff and Commission Member Updates – Continued

- Sferra visited Joanne Drive with the developer to review the erosion controls and authorized the removal of some of the erosion controls in stabilized areas. A Notice will be filed for Lots 6 and 7. An illegal deer stand was found on the property that was not authorized by the owner. Sferra noted that State law requires approval of the property owner. With agreement of the owner, Sferra posted a sign on the tree with the stand stating that the stand must be removed within 30 days or it will be confiscated. Sferra plans to send a letter to abutters about the property transfer to the Commission, letting them know they are welcome to continue to use the trail and a new entrance for the trail will be constructed.
- Doug Morse will visit 12 Pine Point and Liza Mattison will visit 2 Marlboro Road before the scheduled hearings on May 17th.
- Sferra provided the Commission information in their meeting packets on the Open Meeting Law and upcoming Land and Water Legislative Breakfast hosted by OARS and Sudbury Valley Trustees.
- The Commission confirmed Stow Police followed up regarding the site visit on Gleasondale Road.
- Interviews for the second seasonal land steward position are scheduled for this week.

At 8:13 PM, Holly Clack moved to adjourn, Doug Morse seconded and the motion was approved unanimously.

Respectfully submitted,

Jacquelyn Goring, Conservation Assistant

Materials Used at Meeting

Meeting Packet

Draft decision 33 Walcott Street